

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

INTELLECTUAL VENTURES I, LLC,
INTELLECTUAL VENTURES II, LLC,

Plaintiffs,

v.

EMC CORPORATION,

Defendant.

C.A. No. 1:16-cv-10860-PBS

LEAD CASE

**DEFENDANT EMC CORPORATION'S RESPONSE TO
PLAINTIFFS' MOTION FOR RELIEF FROM JUDGMENT
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 60**

With respect to Defendant EMC Corporation (“EMC”), Plaintiffs Intellectual Ventures I, LLC and Intellectual Ventures II, LLC (“Plaintiffs”) request that the Court vacate the judgment entered in the above-captioned case (Dkt. 537), that the Court re-enter judgment with the clarification that final judgment is based on the Court’s summary judgment rulings as to U.S. Patent No. 6,516,442 (the “’442 patent”) (Dkt. 244) and U.S. Patent No. 6,968,459 (Dkt. 534), and that the Court dismiss all other claims and counterclaims as moot. Dkts. 551, 552. EMC concurs in the relief requested by Plaintiffs in the above-captioned case with respect to the separate judgment in favor of EMC.¹ Further, because the ’442 patent expired before Plaintiffs transferred the patent in 2019, EMC understands that Plaintiffs will not seek damages for the period during which they did not own the patent.

EMC takes no position on the relief Plaintiffs have requested with respect to NetApp, Inc.

¹ EMC reserves the right, however, to pursue its claim for attorneys’ fees following any appeals, consistent with EMC’s, NetApp’s, and Plaintiffs’ Joint Motion for Extension of Time to File Motions for Attorneys’ Fees. Dkt. 539; *see also* Dkt. 545 (granting motion).

(“NetApp”) in the separate case against it, Civil Action No. 1:16-cv-10868-PBS. Given the separate actions, the Court may grant the requested relief with respect to EMC in the above-captioned case and make a separate determination with respect to NetApp in Civil Action No. 1:16-cv-10868-PBS, to the extent necessary.

Dated: September 25, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed through the ECF system on September 25, 2020, and will be sent electronically to the registered participants identified on the Notice of Electronic Filing.

/s/ Myles McDonagh
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